

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TEXAS MEDICAL PROVIDERS PERFORMING
ABORTION SERVICES, a class represented by
METROPOLITAN OB-GYN, P.A., d/b/a
REPRODUCTIVE SERVICES OF SAN ANTONIO
and ALAN BRAID, M.D., on behalf of themselves
and their patients seeking abortions,
Plaintiffs,

v.

DAVID LAKEY, M.D., Commissioner of the Texas
Department of State Health Services, in his official
capacity; MARI ROBINSON, Executive Director of
the Texas Medical Board, in her official capacity; and
DAVID ESCAMILLA, County Attorney for Travis
County, in his official capacity and as representative
of the class of all county and district attorneys in the
State of Texas with authority to prosecute
misdemeanors; and their employees, agents, and
successors,

Defendants.

CIVIL ACTION
CASE NO. 11-486

**OPPOSED MOTION FOR LEAVE BY 317 TEXAS WOMEN HURT BY ABORTION
TO FILE BRIEF AS *AMICI CURIAE* IN SUPPORT OF DEFENDANT’S OPPOSITION
TO MOTION FOR PRELIMINARY INJUNCTION**

317 Texas Women Hurt By Abortion (“Proposed *Amici*”) respectfully move for leave to file a brief as *Amici Curiae* in support of Defendants’ Opposition to Preliminary Injunction (the *Amicus* Brief), and in excess of ten pages, and would respectfully show the Court as follows:

1. The proposed *Amicus* Brief is attached as Exhibit A.
2. Proposed *Amici* are Texas women who have been injured psychologically, physically, or both, by their abortions. The *Amici* seek to protect the rights of Texas women to have truly informed consent before deciding to have abortions. *Amici* have an interest in

informing this Court regarding the Texas H.B. 15 at issue from the unique perspective of women who have personally experienced abortion. **Each Texas woman considering an abortion is at risk** of suffering severe emotional consequences, especially if she is not equipped with truthful, accurate information regarding the nature of abortion prior to deciding whether to abort the child in her womb. See *Casey v. Planned Parenthood*, 505 US 833 (1992); *Gonzales v. Carhart*, 550 U. S. 124 (2007). Because a woman's experience with abortion is such a deep, dark, and painful secret, the information being offered to this Court by *Amici* women is difficult to obtain and is crucial to a proper decision by this Court. For years, even decades following abortion, most women who have experienced an abortion are still not willing to publicly talk about their injuries even when they are tormented by thoughts of suicide, guilt, shame, nightmares, sleeplessness, and depression.

3. *Amici* are 317 women who have personally suffered the adverse emotional and psychological effects of abortion. Almost all of these women had their abortions in Texas, but some had abortions elsewhere and now live in Texas. These women attest to the fact that there are adverse emotional and psychological health effects from abortion which have affected their lives.

4. In balancing the equities and potential harms concerning whether the statute should remain in place, *Amici* want the Court to know that some women will be harmed if it is enjoined. Because abortion is so painfully difficult, some women might not want to see the truth of a sonogram, but why should that woman's objection be allowed to stop many, many others from being helped. Without the Statute, women simply will not see or hear the sonogram's truth, and many of them will be irreparably injured.

5. Accordingly, *Amici* 317 Texas Women Hurt By Abortion respectfully request leave to file their accompanying *Amicus Curiae* Brief, and in excess of ten pages, to assist the Court with these important issues.

Respectfully submitted,



ALLAN E. PARKER, JR.

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CERTIFICATE OF CONFERENCE

After consultation with opposing counsel, only Plaintiffs oppose this *Amicus* Brief. The State of Texas is unopposed and Travis County District Attorney seeks to be dismissed and takes no position.



ALLAN E. PARKER

CERTIFICATE OF SERVICE

I hereby certify that on August 19, in the year of our Lord, 2011; I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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A handwritten signature in cursive script, reading "Allan E. Parker". The signature is written in black ink and is positioned above a horizontal line.

Allan E. Parker

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**ORDER GRANTING 317 TEXAS WOMEN HURT BY ABORTION
MOTION FOR LEAVE BY TO FILE BRIEF AS *AMICI CURIAE* IN
SUPPORT OF DEFENDANTS' OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION**

The Motion for Leave to File Brief as *Amici Curiae* by, and in excess of ten pages, is
hereby in all things GRANTED.

SIGNED this _____ day of _____, 2011.

UNITED STATES DISTRICT JUDGE